

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DEBORAH HENDERSON,

Plaintiff,

v.

DELTA AIR LINES, INC., UNIFI
AVIATION, LLC, and JOHN/JANE
DOES 1-4,

Defendants.

CIVIL ACTION

FILE NO. _____

DEFENDANTS' NOTICE OF REMOVAL

COME NOW, Defendant Delta Air Lines, Inc. and Defendant Unifi Aviation, LLC (hereinafter, "Defendants"), named as Defendants in the above-referenced matter, and file this Notice of Removal of Plaintiff's Complaint pursuant to 28 U.S.C. §§ 1441 and 1446.

1. This Notice is filed on behalf of Defendants in this case.
2. This action was commenced in the State Court of Gwinnett County, Georgia (Civil Action File No. 23-C-04678-S7). Plaintiff's initial pleading commencing this action was filed with the Clerk of the State Court of Gwinnett County on July 7, 2023. Service on Defendants was perfected on

July 17, 2023. (*See* Exs. 2, 3). Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b)(1).

3. The action is a civil suit that purports to state a claim for violation of the Air Carrier Access Act (14 C.F.R. § 382). (*See* Ex. 1, ¶¶ 15-19). Plaintiff alleges Defendants violated 14 C.F.R. § 382.40 in their breach of duties to Plaintiff during her deplaning process upon arrival at Hartsfield Jackson Atlanta International Airport (“Airport”) on December 11, 2021. (*Id.*).
4. This Court therefore has original jurisdiction over the 14 C.F.R. § 382 claim under 28 U.S.C. § 1331.
5. The United States District Court for the Northern District of Georgia, Atlanta Division, is the appropriate district court embracing the place where this action is pending.
6. As of this filing, Defendants have not filed a responsive pleading in the state court below since the time for doing so has not yet passed. Pursuant to the Federal Rules of Civil Procedure, Defendants have seven (7) days after this Notice of Removal is filed to do so. Fed. R. Civ. P. 81(c)(2).
7. Copies of the Complaint, the summons, and all other documents filed in the state court are attached as exhibits to this Notice as described below.

Exhibit	Description	Date of Filing
1	Plaintiff's Complaint	July 7, 2023
2	Summons	July 7, 2023
3	Civil Case Filing Form	July 7, 2023
4	Certificate of Discovery	July 7, 2023
5	Plaintiff's First Requests for Admissions, First Interrogatories and First Requests for Production of Documents to Defendant Unifi Aviation, LLC	July 7, 2023
6	Plaintiff's First Requests for Admissions, First Interrogatories and First Requests for Production of Documents to Defendant Delta Air Lines, Inc.	July 7, 2023
7	Sheriff/Marshall's Entry of Service to Unifi Aviation, LLC	July 31, 2023
8	Sheriff/Marshall's Entry of Service to Delta Air Lines, Inc.	July 31, 2023

WHEREFORE, Defendants pray that this cause be removed to the United States District Court for the Northern District of Georgia, Atlanta Division, and that no further proceedings occur in the State Court of Gwinnett County, Georgia.

Respectfully submitted, this 15th day of August, 2023.

HALL BOOTH SMITH, P.C.

/s/ Justin M. Kerenyi

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JUSTIN M. KERENYI
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*Counsel for Defendants Delta Air Lines,
Inc. and Unifi, LLC*

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the within and foregoing **DEFENDANTS' NOTICE OF REMOVAL** upon counsel for all parties by depositing a true copy of the same in the in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows and/or filing said document with the CM/ECF system which will automatically send electronic notification to the following:

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Respectfully submitted, this 15th day of August, 2023.

HALL BOOTH SMITH, P.C.

/s/ Justin M. Kerenyi

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